

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:21-cv-00090-MR-WCM**

**INDUSTRIAL SERVICES GROUP,  
INC., d/b/a UNIVERSAL BLASTCO,**

**Plaintiff,**

**vs.**

**JOSH DOBSON, in his official  
capacity as North Carolina  
Commissioner of Labor, and  
KEVIN BEAUREGARD, in his  
official capacity as Director of  
the Occupational Safety and Health  
Division of the North Carolina  
Department of Labor,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on the Defendants' Motions to Dismiss and for Judgment on the Pleadings [Doc. 13]; the Magistrate Judge's Memorandum and Recommendation [Doc. 20]; and the Defendants' Objections to Magistrate Judge's Memorandum and Recommendation [Doc. 21].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate

Judge, was designated to consider the above-referenced motions and to submit a recommendation for their disposition.

On January 7, 2022, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the Defendants' motions. [Doc. 20]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Defendants timely filed Objections on January 21, 2022. [Doc. 21]. The Plaintiff filed its Response to the Defendants' Objections on February 4, 2022. [Doc. 22].

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Defendants' Objections and accepts the Magistrate Judge's recommendation that the Motion to Dismiss and the Motion for Judgment on the Pleadings should be denied.

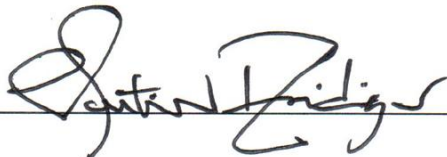
**IT IS, THEREFORE, ORDERED** that the Defendants' Objections [Doc. 21] are **OVERRULED**, and the Memorandum and Recommendation [Doc. 20] is **ACCEPTED**.

**IT IS FURTHER ORDERED** that the Defendants' Motions to Dismiss and for Judgment on the Pleadings [Doc. 13] is **DENIED**.

**IT IS FURTHER ORDERED** that, within fourteen (14) days of the entry of this Order, the parties shall conduct an Initial Attorneys' Conference pursuant to Local Rule 16.1. At the conference, the parties are required to discuss the issue of consent to jurisdiction of a magistrate judge in accordance with Local Rules 16.1(a) and 73.1(c). The Certificate of Initial Attorneys' Conference and, if applicable, the Joint Stipulation of Consent to Exercise Jurisdiction by a US Magistrate Judge shall be filed within seven (7) days of the conference.

**IT IS SO ORDERED.**

Signed: March 29, 2022

  
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Martin Reidinger  
Chief United States District Judge

